

News from Ed Markey

United States Congress

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Massachusetts Seventh District

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Markey Letter to the NRC Regarding Terrorism

Shirley Ann Jackson
Chairman
Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Jackson;

I am writing to express my concerns about the reported recent elimination of the NRC counter-terrorism programs called Operational Safeguards Response Evaluations and Regional Assists. Although I understand the constraints recent budget cuts have imposed on the Commission, it is also clear that terrorism is a significant threat to nuclear reactor safety and hence to public safety. Recent bombings of U.S. embassies in Kenya and Tanzania, and previous attacks against the World Trade Center in New York and the Murrah Federal Building in Oklahoma City, show both the desire and the ability of terrorists to mount serious attacks against large, well-protected U.S. targets. The widespread death and long-term environmental damage from the Chernobyl disaster have underscored that the destruction resulting from a successful attack on a nuclear reactor could dwarf the impact of terrorist attacks on other targets. In light of the potential threats, this is not the time to relax protection against terrorist attacks on nuclear power plants.

A November 3, 1998 article in the Los Angeles Times by Frank Clifford, "U.S. Drops Anti-Terrorist Tests at Nuclear Plants," describes serious plant security lapses discovered by the canceled counter-terrorism program. According to the article, a simulated attack by an NRC team would have been able to cause a core melt at one nuclear power plant. At Vermont Yankee this past March, a team was able to scale plant fences undetected at several locations and to slip a fake handgun past a plant security check. Nearly half of the tests run by the NRC program identified security problems, but not all plants were tested. The article also describes industry opposition to NRC's efforts to prevent nuclear terrorism, reportedly due to the cost of upgrading security at nuclear plants and due to questions about NRC's legal authority to conduct these oversight activities. The article further indicates that cuts in the NRC's budget may have contributed to the decision to terminate this safety program.

The program's success in identifying weaknesses in nuclear plant security and prompting improvements appears to have been worth its small cost. In light of the record of this counter-terrorism program and the seriousness of the terrorist threat, I request your assistance and cooperation in providing responses to the following questions:

1. On what basis was this program selected for elimination? Given the NRC's current emphasis on "risk-informed" decisions, how was the risk of a terrorist attack evaluated and compared to other nuclear safety issues?

2. Did NRC commissioners vote on the decision to eliminate this program? If so, how did each commissioner vote? If not, who made the decision?
3. The article quotes Mr. David Orrik, the director of the program, as saying an agency team "was able to reach and simulate sabotaging enough equipment to cause a core melt." At what plants would the simulated attack have been able to cause a core meltdown or other severe effects? Please provide the Inspection Reports and any Notices of Violation ensuing from these inspections. Also please estimate what the cost in money and lives would have been if these attacks had been real.
4. The article mentions a memo from several NRC security officials and written objections to the program elimination by eleven NRC inspection officials. Please provide the memo, all written objections, and the Commission's response to these objections.
5. Mr. Richard Rosano of the NRC is quoted as saying utility companies "felt they were having to spend a great deal of money to gear up for exercises that some didn't believe there was any authority for." What nuclear utilities or trade groups have questioned the legal authority for the program or supported elimination of the program? Was there industry support for keeping the program? What was the average and/or range of costs to plants to prepare for and respond to the security drills?
6. Does the Commission believe that it lacks legal authority to run the program? Please provide any NRC documents or memoranda that describe, analyze, or explain the legal issues. If the Commission is concerned about its legal authority to conduct the program, why did the Commission not request remedial legislation that would make clear NRC's authority to oversee and test plant security, rather than cancel the program?
7. The Times article claims that 47% of tested plants did not pass anti-terrorist tests. Please provide a list of all plants that did not perform satisfactorily in anti-terrorist tests and describe the ways in which each plant failed and whether they have corrected the identified problems. The article also states that eleven plants have not been tested. Please provide a list of all plants that have not been tested since the program's inception in 1991 using "force on force drills."
8. According to the article, Mr. Orrik claimed that "[t]o perform well in force on force drills, plants were compelled to employ an average of 80% more personnel than their security plans called for." What was the basis for the security plans, and why were they inadequate to defend against simulated attacks? What plants, if any, have reduced the size of their response teams from that tested or assigned response personnel other duties?
9. Given that this program simulated the design basis threat, that the tested plants prepared for months and augmented personnel for these announced drills, and that most of the frequent failures were not due to violations of plant security plans, why are the plant security plans inadequate to meet the design basis threat?
10. Why does a November 4, 1998 NRC press statement on "the status of its Operational Safeguards Response Evaluations program" not state whether or not the program has been eliminated?
11. Do "the continuing NRC inspections and required compliance verification programs conducted by the licensees" mentioned in the press statement actually test whether the plants are operating according to their security plans and whether plant security is sufficient to protect against the design basis threat?
12. The press statement states that "the NRC has recently undertaken a review of the appropriate role of performance testing in validating security at commercial nuclear power plants within the overall context of assuring an adequate level of protection." What approaches is the Commission reviewing to replace the eliminated program and ensure nuclear plant security against sabotage and terrorist attacks? When do you expect the review to be completed, and when do you expect any new measures to be in place? How would these measures compare in effectiveness to the program which was just canceled?
13. How does the size of the truck bomb in the design basis threat compare with the size of the bomb used to attack the Murrah Federal Building in Oklahoma City and other recent terrorist bombs?

What nuclear plants, if any, are not in full compliance with regulations designed to prevent truck bomb attacks, and what plants have been exempted from the generic regulations?

14. What is the worst-case scenario for a terrorist or sabotage attack on a nuclear power plant, including but not limited to a core meltdown? Please include estimates of the number of deaths and number of injuries expected, and of the area over which environmental damage would occur.
15. Have there been any recent credible threats of terrorism or sabotage against U.S. nuclear plants? If so, against which plants and by whom were the threats made?

In addition, I would appreciate receiving a copy of the NRC Information Notice 98-35 dated September 4, 1998, "Threat Assessments and Consideration of Heightened Physical Protection Measures," as well as any reports, memoranda, "Differing Professional Views," or other correspondence from NRC staff or contractors concerning the elimination of the anti-terrorist program.

Thank you for your attention to this serious matter. If you have questions concerning this letter please feel free to contact Mr. Lowell Ungar or Mr. Jeffrey Duncan on my staff at (202)225-2836.

Sincerely,

Edward J. Markey
Member of Congress